

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-12, 14, 15, and 27-41 are currently pending.

Objection to Drawings

Fig. 1 has been amended as indicated above. Therefore, it is respectfully submitted that the drawings comply with 37 CFR 1.84(p)(5), and it is requested that the objection to the drawings be withdrawn.

Denial of Priority for Claims 27-41

It is respectfully submitted that the "classifiable reference characteristic" and the classification of the characteristics of an individual are disclosed throughout the provisional application 60/116,115, filed January 15, 1999. Therefore, it is respectfully submitted that the priority date of claims 27-41 reaches back to the filing date of the provisional application, i.e., January 15, 1999.

Rejections of claims 1-4, 6-8, 10, 15 under 35 USC 102(e) by Schwab (USP No. 5,973,731)

The rejections of these claims are moot in light of the amendment to claim 1.

Rejections of claims 27-30, 32-34, 36, 40-41 under 35 USC 102(e) by Morimoto et al. (USP No. 6,418,235)

Morimoto et al., with a filing date of September 7, 1999, is not a valid reference under 35 USC 102(e) in light of the priority filing date of January 15, 1999 for claims 27-41, as explained earlier.

Rejections of claims 5, 9, and 11 under 35 USC 103(a) by Schwab in view of Mann et al. (USP No. 5,973,731)

The rejections of these claims are moot in light of the amendment to claim 1, which includes the subject matter of claim 13 (now canceled).

Rejections of claims 31, 35 and 37 under 35 USC 103(a) by Morimoto et al. in view of Mann et al.

Morimoto et al., with a filing date of September 7, 1999, is not a valid reference under 35 USC 103(a) in light of the priority filing date of January 15, 1999 for claims 27-41, as explained earlier.

Rejections of claims 12-14 under 35 USC 103(a) by Schwab in view of Daugman (USP No. 5,291,560)

The rejections of claims 12 and 14 are moot in light of the amendment to claim 1.

The rejection of claim 13 (now amended claim 1) is traversed for the following reasons:

The PTO indicates that it would have been obvious to use Daugman's teachings to modify Schwab's system...in order to increase system search and response speed (see pg. 14, Office Action). Yet, Schwab describes generally a secure identification system for securely storing and retrieving files describing and identifying unique products, services or individuals (see Abstract). *Selected* images are downloaded (retrieved) for matching purposes based on an identification event (with some form of identification in order to retrieve the *selected* image). Thus, there is no need to download all the image files for matching, as described by Daugman and admitted by the PTO, because certain images are already selected for retrieval to best perform the matching. In other words, the combination of Schwab and Daugman would teach away from the original intents of Schwab and can in fact decrease the system search and response speed due the large number of images that would be used to perform

matching, if Schwab and Daugman are to be combined as asserted by the PTO. Therefore, it is respectfully submitted that amended claim 1 (i.e., original claim 13) is allowable over the references of record.

Respectfully submitted,

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